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CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
WEDNESDAY, NOVEMBER 4, 1987
7:30 P.M.

ROLL CALL Present: Council Members - Hinchman, Pinkerton,
 Reid, Snider and Olson (Mayor)

 Absent: Council Members - None

 Also Present: City Manager Peterson, Assistant City
 Manager Glenn, Community Development
 Director Schroeder, Public Works Director
 Ronsko, City Attorney Stein, and City Clerk
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INVOCATION The invocation was given by Reverend David Hill, Grace
 Presbyterian Church.

PLEDGE OF ALLEGIANCE The Pledge of Allegiance was led by Mayor Olson.

PRESENTATIONS There were no presentations, awards, or proclamations
 presented at this meeting.

CONSENT CALENDAR In accordance with report and recommendation of the City
 Manager, Council, on motion of Mayor Pro Tempore Snider,
 Reid second, approved the following items hereinafter set
 forth. Item E-9 - "Receive report and recommendation from
 the Parks and Recreation Commission regarding the G-Ball
 (Golf Course) Master Plan, southeast corner of Centerville
 Boulevard and Lower Sacramento Road" was removed from
 Consent Calendar and discussed under the Regular Calendar

CLAIMS CC-21(a) Claims were approved in the amount of \$2,307,288.72.

PLANS AND SPECIFICATIONS FOR STORM DRAIN
AND PUMP STATION
ABANDONMENTS, LOWER
SACRAMENTO ROAD
AT LODI AVENUE,
APPROVED City Council approved the plans and specifications for
 Storm Drain and Pump Station Abandonments, Lower Sacramento
 Road at Lodi Avenue and authorize advertising for bids.

CC-12.1(c) This project consists of abandoning two storm water pump
 stations. These stations handled storm water at the
 intersection of Lower Sacramento Road and Lodi Avenue prior
 to developing the area. With minor changes to the existing
 piping in the street, the pump stations will no longer be
 required. One station belongs to the City and one to the

County. The County will reimburse the City for the
portion of the work. The project estimate of \$3,500 does
not include the County's portion, which is a comparable
amount.

SPECIFICATIONS FOR
STANDBY GENERATOR
REPLACEMENT AT
PUBLIC SAFETY
BUILDING, 230 WEST
ELM STREET, LODI,
APPROVED Council approved the specifications for the Standby
 Generator Replacement Public Safety Building, 230 West Elm
 Street, Lodi, and authorized advertising for bids thereon.

CC-12.1(b)

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This project includes the removal of the existing 1941 gasoline engine and generator assembly, the installation of a new diesel powered engine, generator with controls and wiring to the building's transfer electrical switching gear.

IMPROVEMENTS ACCEPTED
IN SUNWEST UNIT NO.
6, LOCATED IN THE
2200 BLOCK OF
GRENOBLE DRIVE

RES. NO. 87-148 Council adopted Resolution No. 87-148 accepting the
subdivision improvements included in Tract No. 2046,
CC-46 Sunwest Unit No. 6.

Improvements in Sunwest Unit No. 6 have been completed in substantial conformance with the requirements of the Subdivision Agreement between the City of Lodi and Chris R. and LaVeta Keszler dated September 3, 1986, and as specifically set forth in the plans and specifications for the work.

IMPROVEMENTS ACCEPTED
IN IRIS PLACE,
1416 IRIS DRIVE

RES. NO. 87-149 Council adopted Resolution No. 87-149 accepting the
subdivision improvements in Iris Place, 1416 Iris Drive,
CC-46 Tract No. 2075.

Improvement in Iris Place, 1416 Iris Drive, have been completed in substantial conformance with the requirements of the Subdivision Agreement between the City of Lodi and H&M Builders, dated January 28, 1987, and as specifically set forth in the plans and specifications for the work.

COUNCIL CONCURS IN
PURCHASE OF AIR
COMPRESSOR

CC-20
CC-47

The City Council concurred with the emergency purchase of an air compressor for the Street Division of the Public Works Department.

The 1987/88 Operating Budget included \$12,960 for the purchase of an additional air compressor and accessories for the Street Division. However, before bids could be advertised, the existing 1979 air compressor failed, leaving the Division without an air compressor. Staff has not yet determined if the existing compressor is going to be repaired or replaced. The Division borrowed air compressors from the Utility Department and Water/Wastewater Division when they were available. The City was in a position where it would have to rent an air compressor for \$400-\$500 per week, if we could even find one, which would fit accessories.

Because of this emergency situation and the time that would be required to bid on an air compressor, informal quotes were obtained from three companies on used-leased air compressors. A claim was issued on October 13, 1987 to Tenco of West Sacramento for a 1985 used-leased Ingersoll-Rand air compressor in the amount of \$9,275. This was done under Lodi Municipal Code Section 3.20.070 which allows the bidding process to be eliminated when an emergency exists.

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RENEWAL OF CONTRACT
WITH THE FAMILY
SERVICE AGENCY
APPROVED FOR AN
EMPLOYEE ASSISTANCE
PROGRAM

Council approved the renewal of the contract with the Family Service Agency for an employee assistance program and authorized the City Manager and City Clerk to execute the contract on behalf of the City.

CC-6
CC-90

COMMENTS BY CITY
COUNCIL MEMBERS

PAINTING OF
DOWNTOWN LIGHT
POSTS QUESTIONED

Council Member Pinkerton expressed his concern for the time it is presently taking to repair and paint damaged light posts in the downtown area and suggested that a time-frame be established to make such repairs.

CC-16

SUGGESTION MADE TO
BRING THE SAN
FRANCISCO GIANTS
TO LODI

Mayor Pro Tempore Snider, at the suggestion of his son, proposed bringing the Giants to Lodi in light of the defeat of Proposition W in the San Francisco election on Tuesday.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

There were no persons wishing to speak under this segment of the agenda.

PUBLIC HEARINGS

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Olson called for the Public Hearing to consider the appeal of Mr. Frank Alegre, Sr., 910 North Cluff Avenue, Lodi, of the Planning Commission's action requiring all storm drainage to pass through the City approved sand and oil traps prior to entering the City's storm drain system.

APPEAL REGARDING
REQUIREMENT THAT
ALL STORM DRAINAGE
PASS THROUGH THE
CITY APPROVED SAND
AND OIL TRAPS PRIOR
TO ENTERING THE
CITY'S STORM DRAIN
SYSTEM

Following introduction of the matter by City Manager Peterson, Public Works Director Ronsko gave the following staff report, presented diagrams of the subject area, and responded to questions regarding the matter.

At the City Council meeting of September 30, 1987, the Council received an appeal letter from Mr. Alegre's attorney. This letter is appealing the City's requirement for onsite storm drainage to pass through an oil and sand trap separator prior to discharging into the City's storm drain system.

CC-53(b)
CC-176

Subdivision Map

A copy of the tentative parcel map submitted by Mr. Alegre's engineer to the Planning Commission for approval was presented for Council review. As part of this map submittal, Mr. Alegre was developing five new lots and changing the configuration of his existing parcel. Under the City Code Title 16, Subdivisions, Section 16.24.030, the subdivider is required to put in improvements conforming to City design standards and construction specifications. Under the Cluff Avenue Assessment District, all of the major offsite improvements including curb, gutter, sidewalk, street, water, sewer, storm drainage, including the storm drain lateral into Mr. Alegre's parcel for future use, were installed. Since the construction of the assessment district improvements, new City requirements have been required on industrial developments.

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The Planning Commission approved the tentative map with the following conditions:

1. that the following items be accomplished prior to the recording of the Final Map:
 - a. dedication of public utility easements as requested by the various utility companies and the City of Lodi.
 - b. dedication of a corner cut-off on Parcel "A".
 - c. provision of a copy of Well Abandonment Permit from the county for any on-site wells abandoned during development or certification by the developer's engineer that none existed prior to conversion from agricultural and residential to industrial use;
 - d. map to have standard note: "Requirements to be met at time of development or Building Permit"; and
 - e. all six lots to be graded to enable storm drainage to be collected on-site and transported to City system in conformance with present City standards; and
2. that the following items be accomplished at time of development or issuance of Building Permit;
 - a. Parcel "D" and "E" to have special commercial driveways conforming to City Standard Plan No. 111;
 - b. payment of the appropriate fees in effect at that time;

Water service for Parcels "A" and "B"
Sewer service for Parcels "A" and "B"
Storm drainage service to all parcels not already serviced
 - c. all storm drainage to pass through City approved sand and oil trap and enter City Storm drain system in a City manhole or through the back of City catch basin; and
 - d.b On-site Fire Protection per Fire Department requirements.

Mr. Alegre is appealing only the conditions as they apply to his existing developed property and not as they apply to the new lots.

It should be noted that Mr. Alegre is now processing a revised tentative map which removes the existing parcel from the map. The new map will eliminate the oil and sand separator installation requirement on his existing parcel.

City's Responsibility to Protect Receiving Waters

At the time the City received approval for the Cluff Avenue Storm Drain Outfall into the Mokelumne River, the City agreed to control the discharges from the industrial areas.

Approvals from the Regional Water Quality Control Board and the Department of Fish and Game were presented for Council's review. Shown below are conditions of these approvals that apply to this subject.

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Regional Water Quality Control Board

"No significant threat to water quality should result from this activity provided the City, through its land use permits or similar measures, strictly regulates industries served by the storm drain system to adhere to good housekeeping practices, minimize spills, prevent illegal discharges, etc., which would otherwise drain to the Mokelumne River."

Department of Fish and Game

- "2. All industrial waste discharge such as concrete washing, petroleum products, rubbish and others will not be allowed to enter storm drain to river.
3. Sump to be installed in drain system to catch heavy solids and debris and to be checked and cleaned periodically.
4. Discharge into river to conform to Water Quality Board Standards.
20. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or washings thereof, oil or petroleum products or other organic or earthen material from any logging, construction, or associated activity of whatever nature shall be allowed to enter into or placed where it may be washed by rainfall or runoff into, waters of the State."

New City Requirements

In August of this year, changes in the requirements on industrial developments were made. A copy of these changes were presented for Council review. At the time that these requirements were implemented, copies of the requirements were sent to the local consulting engineers.

These requirements had been contemplated for some time and were finally implemented after experiencing an increasing number of hazardous waste discharges into the storm drain system from all types of industrial uses and from having a major hazardous waste discharge into the Mokelumne River. Under the City's discharge requirements from the Regional Water Quality Control Board and the Department of Fish and Game on the Cluff Avenue Outfall into the Mokelumne River, together with the requirements under our agreement with Woodbridge Irrigation District, the City of Lodi has an obligation to control the discharges into all receiving waters.

Because of what the City was experiencing in illegal discharges, the City's obligation under existing agreements to control these discharges and EPA's Clean Water Act restrictions of storm drainage discharges, the changes in industrial development requirements were implemented on August 4, 1987.

Recent Developments

Since August 4, these requirements have been applied uniformly to all industrial tentative maps and building plans being processed by the City. Listed below is a recap of sand and oil traps required and installed to date:

Sand and oil traps required and installed	3
Sand and oil traps required but not yet installed	7

City's Authority

City Code Title 13, Public Services, Section 13.12.510, Monitoring Facilities, as shown below, clearly gives the Public Works Director (without Council approval) the authority to require a monitoring facility on an internal storm drainage system. This authority can be applied to any existing user where it is in the City's best interest to have such monitoring facility installed.

13.12.510 Monitoring facilities

- A. The public works director may require the user to construct and maintain, at the user's expense, monitoring facilities which meet all government safety regulations (OSHA) to allow inspection, sampling and flow measurement of the building sewer or internal storm drainage systems and may also require sampling or metering equipment to be provided, installed, operated and maintained at the user's expense.

Under the Subdivision Map Act, the City has the right to attach conditions to any tentative map that will mitigate the impacts caused by the development's use.

City Code Title 16, Subdivisions, requires the developer of a subdivision to put in improvements in conformance with the City standards.

Speaking on behalf of the appeal were:

- 1) Mr. Albert M. Ellis
Attorney-at-Law representing Mr. Frank Alegre, Sr.
Law Offices of Rishwain, Hakeem, Ellis and LeBeouf
2800 West March Lane, Suite 200
Stockton, California
- 2) Mr. Frank Alegre, Sr.
2000 Edgewood Drive
Lodi, California

Mr. Yosh Mataga, 1911 Edgewood Drive, Lodi, California, addressed the Council stating that he isn't against the requirement, but that he doesn't like being singled out. Mr. Mataga's comments were directed to requirements being imposed on his automobile agency located at 880 Beckman Road, Lodi.

There being no other persons in the audience wishing to address the Council on the matter, the public portion of the hearing was closed.

A very lengthy discussion followed with questions being directed to Staff and to those who had given testimony.

On motion of Council Member Hinchman, Olson second, Council denied Mr. Alegre's appeal.

RECESS

Mayor Olson declared a five-minute recess and the meeting reconvened at approximately 8:55 p.m.

CONSIDER RESOLUTION
OF NECESSITY FOR
THE ACQUISITION OF
ADDITIONAL LAND
FOR THE C-BASIN,
SOUTHEAST CORNER
OF VINE STREET
AND BECKMAN ROAD,
BY EMINENT DOMAIN
PROCEDURES

CC-27(a)
CC-27(c)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Olson called for the Public Hearing to consider the adoption of Resolution of Necessity for the acquisition of additional land for the C-Basin, southeast corner of Vine Street and Beckman Road, by Eminent Domain procedures.

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It was also determined that Council would consider at the same time Agenda item K-3, entitled, "Consider request of Daryle Geweke for Council discussion and resolution of concerns relating to Park Basin "C" acquisition, southeast corner of Vine Street and Beckman Road".

The following staff report was presented:

At the October 14, 1987 City Council meeting, Council set a hearing for November 4, 1987 to consider adoption of a resolution of necessity for the acquisition of additional land for C-Basin by eminent domain proceedings, pursuant to Code of Civil Procedure Section 1245.220. Notice of said hearing was mailed to property owners Orrin D. and Gertrude M. Kettelman on October 16, 1987. The City has not received notice from the Kettelmans indicating any desire to be heard at the November 4 hearing.

The City's right of way negotiator, Jerry Heminger, first contacted the owners on April 27, 1987. Through numerous contacts since that time, he has reached verbal agreement with the Kettelmans to purchase the 10 acre parcel necessary for the basin or a 12- acre parcel which would "square off" their remainder. Problems with a third party and the agreement between the Kettelmans and that party have held up consummation of the formal agreement.

The power of eminent domain may be exercised to acquire property for a proposed project only if all of the following are established:

1. The public interest and necessity require the project.
2. The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The property sought to be acquired is necessary for the project.

State law provides that a public entity may exercise the power of eminent domain only if it has adopted a resolution of necessity by a vote of two-thirds of all of the members of the governing body.

It is important to be aware that once the resolution of necessity has been adopted, the City must commence an eminent domain proceeding to acquire the property within six months after the date of adoption or, if the City has filed such proceeding, the City must serve the complaint and the summons relating to the proceeding. If it does not, the property owner may file an action for inverse condemnation to:

1. Require the City to take the property and pay compensation therefor, and/or
2. Recover damages from the City for the interference with the possession and use of the property resulting from adoption of the resolution.

However, the City Council is permitted to rescind the resolution of necessity as a matter of right at any time before the property owner commences an action.

The following letter from the Law Offices of Freeman and Brown, 1818 Grand Canal Boulevard, Stockton, California, was presented for Council review:

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"Re: Park Basin "C"
Acquisition of Property
10 Acre Parcel

Dear Mayor and Council Members:

This office represents Mr. Daryle Geweke who is the purchaser, pursuant to a land sales contract, of three adjacent parcels of real property, Parcels #28, #29 and #30 lying to the north of Kettleman Lane, east of Highway 99 and adjacent to Lodi City limits belonging to Orrind D. Kettleman. Said contract of sale recites that "the city of Lodi is contemplating condemning approximately 10 acres of said parcel #30".

We have reviewed the Master Plan of Park Base "C" adopted by the City Council on October 15, 1986, and discussed the proposed acquisition of the portion of parcel #30 specifically, timing, configuration, use and damages.

Mr. Geweke has instructed us to attempt to minimize the adverse impacts the presently proposed acquisition would have on Parcel #30 while attempting to equitably accommodate the needs of the City of Lodi.

We subsequently contacted Mr. Ronald Stein, City Attorney, and inquired as to how soon the city needed the property, what methods were available to mitigate Mr. Geweke's damages and how could we work with the City of Lodi in the equitable resolution of these problems.

Mr. Stein advised that the City's department of Public Works wanted to proceed immediately with the acquisition of the property and the construction of the project; that as the plan had been adopted by the City Council, it could only be modified by the City Council; that we would therefore have to direct our concerns and proposals for mitigation to the City Council.

Will you please schedule this matter for discussion by the City Council as soon as mutually convenient. As resolution of these problems need to be explored through open discussion, we would suggest an initial council study session for that purpose. Unfortunately, Mr. Freeman will be out of the country until the end of October. We will be pleased at that time to present to you our concerns and our proposal to mitigate Mr. Geweke's damages while accommodating the needs of the City of Lodi.

Thank you for your consideration and cooperation. We look forward to working with you and your staff in the equitable resolution of this problem.

Very truly yours,

s/Gerald A. Sperry"

Addressing the Council regarding the matter were:

- a) Mr. Maxwell M. Freeman
Attorney at Law
1818 Grand Canal Boulevard
Stockton, California
representing Daryle Geweke
- b) Mr. Gerald A. Sperry
Attorney at Law
1818 Grand Canal Boulevard
Stockton, California
representing Daryle Geweke

There being no other persons wishing to address the Council on the matter, the public portion of the hearing was closed.

Continued November 4, 1987

A very lengthy discussion followed with questions being directed to Staff, the City Attorney, and to those who had given testimony.

Council Member Hinchman moved adoption of a Resolution of Necessity for the acquisition of additional land for the C-Basin, southeast corner of Vine Street and Beckman Road, by eminent Domain procedures. The motion was seconded by Council Member Reid, but failed to pass by the following vote:

Ayes: Council Members - Hinchman and Reid

Noes: Council Members - Pinkerton, Snider, and Olson (Mayor)

Following additional discussion, Council, on motion of Council Member Snider, Pinkerton second, determined to adjourn this meeting to 7:30 p.m., Wednesday, November 11, 1987 for further review of the C-Basin which would allow for all interested parties to be present during the subject discussion.

The motion carried by the following vote:

Ayes: Council Members - Pinkerton, Snider, and Olson (Mayor)

Noes: Council Member - Hinchman and Reid

PLANNING COMMISSION City Manager Peterson presented the following Planning
REPORTS Commission Report of the Planning Commission Meeting of
October 12, 1987:

The Planning Commission -

- ITEMS OF INTEREST
1. Conditionally approved the request of Dillon Engineering on behalf of Fred Lewis for a Lot Line Adjustment between 324 Leland Court (APN 027-080-68) in an area zoned R-1, Single-Family Residential.
 2. Conditionally approved the request of Dillon Engineering on behalf of James Ehlers for a Lot Line Adjustment between 317 Leland Court (APN 027-240-03) in an area zoned R-1, Single-Family Residential.
 3. Continued consideration of the request of Dillon Engineering on behalf of Harry S. Bader for the approval of a Tentative Parcel Map to divide 610 West Lodi Avenue (APN 033-190-31) into Parcel "A" and "B" and to join 708 West Lodi Avenue (APN 033-190-28) to new Parcel "B" in an area zoned C-1, Neighborhood Commercial. This item was continued so that the developer's engineers could submit a parking layout for the total area to the Planning Commission.
 4. Continued consideration of the request of Saumbach and Piazza, Consulting Engineers, on behalf of James H. and Hilda Sanguinetti for the approval of the Tentative Map of Apple Orchard, a 9.60 acre, 34 lot project at the northeast corner of Lower Sacramento Road and Cochran Road, in an area zoned R-1, Single-Family Residential.

CC-35

This item was continued so that the developers and neighbors could reach a compromise on a masonry wall proposed for the south side of West Tokay Street along the proposed subdivision's north side.

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5. Conditionally approved the request of Pasco Enterprises for an Amended Use Permit for a twenty-two unit planned unit development on Lot 86, Johnson Ranch, Unit No. 1, in an area zoned P-D (19), Planned Development District No. 19.
6. Approved the request of City of Lodi Electric Department to extend the use permit approved November 11, 1986 for one year for a temporary mobile office located at the Municipal Service Center.
7. Determined that a Zoning Hardship existed and approved the request of David M. Akin for a Zoning Variance to reduce the sideyard from 5 feet to 3 feet to permit the expansion of a second story and the addition of a carport at 141 South Avena Avenue in an area zoned R-2, Single-Family Residential

Further, City Manager Peterson presented the following report of the Planning Commission Meeting of October 26, 1987:

ITEMS OF INTEREST The Planning Commission -

CC-35

1. Conditionally approved the request of Cecil Dillon, Dillon Engineering, on behalf of Harry S. Bader, to divide 610 West Lodi Avenue (APN 033-190-31) into Parcel "A" and "B" and to join 708 West Lodi Avenue (APN 033-190-28) to new Parcel "B" in an area zoned C-1, Neighborhood Commercial.
2. Continued consideration of the request of Terry Piazza, Baumbach and Piazza, Consulting Engineers, on behalf of James H. and Hilda Sanguinetti for the approval of the Tentative Subdivision Map of the Apple Orchard Subdivision at the northeast corner of Lower Sacramento Road and Cochran Road, in an area zoned R-1, Single-Family Residential until 7:30 p.m., Monday, November 23, 1987.
3. Set a public hearing for 7:30 p.m., Monday, November 23, 1987 to consider the request of Terry Piazza, Baumbach and Piazza, Consulting Engineers, on behalf of James H. and Hilda Sanguinetti to rezone the lots facing West Tokay Street on the Revised Tentative Map of the Apple Orchard Subdivision at the northeast corner of Lower Sacramento Road and Cochran Road from R-1, Single-Family Residential to R-2, Single Family Residential.

COMMUNICATIONS
(CITY CLERK)

ABC LICENSE
APPLICATIONS

CC-7(f)

City Clerk Reimche presented the following application which had been received for an alcoholic beverage license:

Lam Linh Nguyen
Lodi Sausage and Meat Company
845 South Central Avenue, Lodi
Off Sale beer and Wine
Original License

RATE MODIFICATION -
LODI AMBULANCE
SERVICE

CC-22.1(a)
CC-22(a)

Following receipt of a letter from the Lodi Ambulance Service (Life Medical Industries, Inc.) giving thirty day notification of a rate modification, Council, on motion of Council Member Reid, Hinchman second, directed the City Clerk to place this matter on the agenda for the Regular Council Meeting of November 18, 1987.

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REGULAR CALENDAR

REQUEST FROM LODI
PARK WEST AND THE
TOWNE RANCH TO
TRANSFER THE 20
FOOT AGRICULTURAL
SETBACK FROM THE
PARKWEST PROPERTY
TO THE TOWNE
PROPERTY, APPROVED

CC-27(a)
CC-53(a)
CC-53(c)

At the time the City Council approved the Lodi Park West development, it required a 20 foot building setback along the subdivision's north line adjacent to the Horace Towne Property. The setback was deemed to be an adequate agricultural buffer or mitigation zone as required by Section 3 of the Green Belt Initiative, Measure "A" as adopted by the public on August 25, 1981.

Since the north line of the subdivision jogs, it was impossible to design a subdivision where all lots would rear to the Towne Ranch. The 20 foot setback has continually caused siting problems where the sideyard contains the agricultural setback. In order to solve this problem, Horace and Bruce Towne, the vineyard owners, have offered to place the setback on their property. Measure "A" does not preclude the suggestion being made by the Towne family.

If the City Council approves the suggestion of Lodi Park West and the Towne Ranch, the City Attorney recommends that a 20 foot agricultural easement be recorded along the south line of Towne Ranch. This easement would be null and void upon annexation of the property to the City.

Mr. Ken Boyd, 2208 West Vine Street, Lodi, representing the property owners, spoke on behalf of the request.

On motion of Council Member Snider, Hinchman second, Council approved the request to transfer the 20 foot agricultural setback from the Park West property to the Towne property, directing that a 20 foot agricultural easement be recorded along the south line of the Towne Ranch. This easement will be null and void upon annexation of the property to the City.

URGENCY ORDINANCE
AMENDING THE LAND
USE ELEMENT OF THE
GENERAL PLAN TO DESIGNATE THE
APARTMENT
MORATORIUM AREA
(EASTSIDE STUDY
AREA) FOR LOW
DENSITY SINGLE-
FAMILY WITH CERTAIN
EXCEPTIONS ADOPTED

URGENCY ORDINANCE
NO. 1409 ADOPTED

CC-53(a)
CC-149

Following introduction of the matter by staff, Council on motion of Mayor Pro Tempore Snider, Reid second, adopted Urgency Ordinance No. 1409 amending the Land Use Element of the General Plan to designate the apartment moratorium area (eastside study area) for Low Density Single-Family with certain exceptions, which ordinance is entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi Adopted by Section 17.06 et seq. of the Lodi Municipal Code and Thereby Rezoning Certain Properties".

The motion carried by unanimous vote of the Council.

Community Development Director Schroeder pointed out:

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- A) That any property presently zoned R-C-P, C-1, C-2 or C-M, containing a multifamily dwelling unit, will be permitted to rebuild only the same number of units, upon the destruction of the present multifamily dwelling unit.
- B) That in the downtown core area, a commercially-zoned property which does not presently have a multifamily unit built thereon, will be permitted to build a multifamily residential unit facility only with a conditional use permit approved by the City Council.
- C) In all other commercially-zoned areas in the Eastside Moratorium Study Area, if there is not presently located on those parcels a multifamily unit, no such unit shall be permitted to be built.

Mr. Barry Clark, 715 North School Street, Lodi, suggested that single-family homes located between apartment complexes in the subject area could be used for child care facilities for children living in the apartment complexes.

Staff responded to questions posed by Mr. Malcom Goodell, 8 North Rose Street, Lodi, regarding conversions and the requirements for building permits.

REQUEST FOR
RESIDENTIAL PERMIT
PARKING ON PLEASANT
AVENUE FROM WALNUT
STREET TO PINE
STREET DENIED

CC-45(i)
CC-48(1)

Public Works Director Ronsko gave the following staff report concerning the matter:

Council was reminded of a petition it has received from residents on Pleasant Avenue and Oak Street and from the San Joaquin Local Health District office located at the southwest corner of Oak and Pleasant. This petition requests that two-hour parking be established on Pleasant Avenue from Walnut Street to Pine Street and that a residential permit zone be established which would exclude residents from the posted parking restrictions.

Residential Parking Permits

The general objective of the residential permit parking program is to provide on-street parking for residents in their own immediate neighborhoods and to preserve the residential character of the area. The area east of the Pacific Coast Producers cannery on South Stockton Street is the only residential permit parking area presently in effect.

Existing Conditions

Pleasant Avenue between Lodi Avenue and Pine Street is a one-way (northbound) 30-foot curb to curb street. It provides one travel lane and parking on both sides. On-street stalls are not marked.

The area in question is zoned Residential-Commercial Professional (R-CP) and General Commercial (C-2).

Diagrams were presented depicting the following information:

- Existing two-hour parking limitations in adjacent areas and other parking restrictions in downtown area.

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- Existing land use of parcels fronting Pleasant Avenue between Walnut and Pine.
- Garages and off-street parking spaces available on residential use parcels.

Parking Surveys

Off-Street Parking

The three commercial areas between Pine and Walnut all have provided some off-street parking. The southeast and southwest corners of Pine and Pleasant have provided marked stalls totalling 30 and 18 respectively. The San Joaquin Local Health District office at the southwest corner of Oak and Pleasant has an off-street parking lot, however, stalls are not marked. This lot can hold approximately 10 cars.

On the days that we counted cars in the two commercial onsite lots, it appeared that they were only approximately 50% filled.

On-Street Parking

1. Walnut Street to Oak Street

An exhibit was presented which shows data from 11 surveys taken on 7 days at different times during the day. This exhibit shows the number of available parking spaces in each half-block and the number of cars parked in the half-block during the survey. The results are summarized below:

Pleasant Avenue - Walnut to Oak	N/Alley	S/Alley
# stalls on-street	10	8
Highest # of parked vehicles	9	5
Average # of parked vehicles	4.6	2.2
Average % occupied	46%	28%

This indicates that there is ample on-street parking available for the residential uses in this block. However, residents often may not be able to park directly in front of their homes.

2. Oak Street to Pine Street

Results of the exhibit shown for Oak Street to Pine Street are shown below:

Pleasant Avenue - Oak to Pine	N/Alley	S/Alley
# stalls on-street	11	12
Highest # of parked vehicles	11	8
Average # of parked vehicles	7.7	6.6
Average % occupied	70%	55%

On-street parking in this block is heavier than the block to the south and is highest near Pine Street fronting the commercial uses and nearest to City Hall.

Discussion

The Finance Department was contacted regarding possible enforcement of two-hour parking on this street. Their comments are attached. They indicate enforcement would be difficult with existing personnel and recommend against establishing two-hour parking. Since the area is zoned R-CP, it can be assumed the daytime parking demand will increase as homes are converted to businesses.

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Recommendation

Since the area is small and parking is available within a reasonable distance to homes, staff is reluctant to recommend establishment of two-hour parking and another permit zone.

If the parking lot behind the Local Health District office was signed for customer use and if the stalls were marked, there may be fewer cars parked on Pleasant Avenue and on Oak Street. The City Council may want to consider asking the Local Health District to sign and stripe their parking lot.

A lengthy discussion followed with questions being directed to staff.

On motion of Council Member Hinchman, Reid second, Council denied the request for Residential Permit Parking on Pleasant Avenue from Walnut Street to Pine Street; however, suggested that Staff follow up on a number of suggestions contained in the staff report regarding this matter.

ADULT CROSSING GUARD
APPROVED FOR AREA OF
WOODBIDGE MIDDLE
SCHOOL

CC-24(b)
CC-43
CC-45(a)
CC-48(a)

This agenda item was introduced by City Manager Peterson. The following staff report was given by Public Works

Director Ronsko:

In the spring of 1987, the Lodi Unified School District (LUSD) requested the Public Works Department install a crosswalk and conduct an adult crossing guard study at Lower Sacramento Road and Eilers Lane. At the June 3, 1987 Council meeting, City Council approved the installation of three crosswalks in the area and directed staff to re-evaluate the need for an adult crossing guard in the fall of 1987.

Recently, Turner Road from Lower Sacramento Road to Mills Avenue has been widened and re-striped for four travel lanes. A traffic signal is under construction at Lower Sacramento Road/Turner Road.

Staff performed the necessary studies for an adult crossing guard in accordance with the guidelines adopted by Caltrans. The guidelines require that at least 40 elementary school pedestrians (including student bicyclists) use the crossing while going to or from school each of any two hours daily.

An exhibit was presented which indicated the vehicle and pedestrian counts for Lower Sacramento Road/Eilers Lane and Lower Sacramento Road/Turner Road. The counts do not meet the minimums required by Caltrans.

The City of Lodi's crossing guard agreement with the LUSD states that the City has a statutory duty to reimburse the School District for costs of employing school crossing guards if the requisite criteria are met. The primary criterion is the data shall be measured against the warrants of the Traffic Manual published and adopted by Caltrans.

Since this criterion is not met, the City staff cannot recommend reimbursing the LUSD for costs of an adult crossing guard. This type of funding comes from the City's street maintenance accounts. However, the LUSD can employ an adult crossing guard at these locations with LUSD funding.

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Council does not have to strictly follow the Caltrans criteria. Since the minimums are met at Lower Sacramento Road/Eilers Lane in the morning and Lower Sacramento Road/Turner Road in the afternoon, the Council may approve a guard on that basis.

During the traffic count, staff observed many bicyclists are not abiding by the traffic laws. Staff suggests the Woodbridge Middle School staff work closely with the Police Department in educating the students.

A lengthy discussion followed with questions being directed to staff.

Mr. Bob Gross, Vice Principal, Woodbridge Middle School, spoke in favor of the crossing guard.

On motion of Council Member Snider, Reid second, Council approved the placing of a crossing guard in the subject area at the City's expense.

G-BASIN (GOLF COURSE)
MASTER PLAN CONCEPT
APPROVED

CC-27(a)
CC-27(c)

Council was apprised that, over the past six months, landscape architect and golf course designer, Richard Bigler, has reviewed the feasibility of determining need, developing, operating and construction a golf course at "G" Basin. Mr. Bigler has completed his report in document form and developed three general plans for a golf course layout and operation. This document and the plans have been reviewed by the Parks and Recreation Commission and the City Council at a Shirtsleeve Session.

It was the recommendation of the Parks and Recreation Commission that the City Council accept the feasibility report and Plan I (family golf center concept), 9-hole golf course. It was additionally stated by the Commission that financial and/or owned acreage limitations at this point somewhat dictate this type course, but if someone was to approach the City with creative financing or an investor development/operator plan, they would be in favor of a full regulation 18-hole course.

On motion of Council Member Pinkerton, Olson second, Council received the report and recommendation and approved the golf course concept for the subject area.

ORDINANCES

TRAFFIC ORDINANCE
ADOPTED

ORDINANCE NO. 1402

CC-45(a)
CC-48(a)
CC-149

Ordinance No. 1402 entitled, "An Ordinance of the Lodi City Council Repealing Ordinance No. 493 and All Ordinances and Parts of Ordinance Amendatory Thereof, Thereby Repealing Title 10, Chapter 10 of the Lodi Municipal Code, Regulating Vehicles and Traffic Upon the Streets Within the City of Lodi, and Adding a New Title 10, Chapter 10 to the Lodi Municipal Code Regulating Vehicles and Traffic Upon the Streets Within the City of Lodi" having been introduced at a Regular Meeting of the Lodi City Council held October 21, 1987 was brought up for passage on motion of Council Member Reid, Hinchman second. Second reading of the Ordinance was omitted after reading by title, and the Ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Hinchman, Pinkerton, Reid, Snider, and Olson (Mayor)

Noes: Council Members - None

Absent: Council Members - None

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"CLOSED SESSION" HELD
REGARDING PERSONNEL
MATTERS

Following introduction of the matter by the City Manager, Council, on motion of Council Member Hinchman, Reid second, determined that the need for a "Closed Session" regarding personnel matters arose after the preparation of the agenda.

The Council met in "Closed Session" regarding personnel matters from 11:25 p.m. to 11:53 p.m.

The meeting was adjourned at approximately 11:53 p.m. to Wednesday, November 11, 1987 at 7:30 p.m.

ADJOURNMENT

There being no further business to come before the Council, Mayor Olson adjourned the meeting at approximately 11:55 p.m.

ATTEST:

Alice M. Reimche
Alice M. Reimche
City Clerk